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Attorneys for Defendant
AMBROSIA BAKERY, INC., A CALIFORNIA
CORPORATION DBA AMBROSIA BAKERY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAREN HEATHERLY; and IRMA
RAMIREZ,

Plaintiff,

v.

AMBROSIA BAKERY, INC., a
California Corporation dba
AMBROSIA BAKERY, et al.,

Defendants.

CASE NO. 3:12-cv-04952 VC

**STIPULATION and JOINT STATUS
REPORT; and ~~PROPOSED~~ ORDER
THEREON**

Date: TBD
Time: TBD
Judge: Hon. Vince Chhabria

The parties, by and through their respective attorneys of record, stipulate to and request this Court to refer this matter back to mediation in an attempt to resolve the remaining issues.

On June 6, 2014, the Court entered an order that vacated an earlier order granting the stipulated request for a limited suspension of General Order No. 56. *See* Docket No. 26. The Court also set a schedule and/or deadline for motions for summary adjudication on all issues deemed by the parties to be appropriate for summary disposition, including whether Defendants are required to provide accessible restroom facilities to Plaintiffs and other members of the public with disabilities under the Americans with Disabilities Act ("ADA") and the related state statutes asserted in Plaintiffs' complaint.

On June 11, 2014, Plaintiffs' counsel informed the defense counsel that Plaintiffs were withdrawing their claim against Defendants to provide an accessible path of travel and accessible restroom facilities located in a non-public area of the bakery. Because Defendants have removed all of the other barriers at the bakery's public areas previously identified by Plaintiffs, the injunctive relief claims are now moot. In an attempt to resolve Plaintiffs' remaining monetary relief claims, the parties have agreed to convene for another mediation before the Court appointed mediator, G. Daniel Bowling. Plaintiffs' counsel informed counsel for defendants that he is currently involved in a protracted[?] litigation with an impending trial on August 18, 2014, and seeks to complete the mediation on or before October 15, 2014.

Accordingly, the parties jointly request that the Court issue an Order referring this matter for further mediation before G. Daniel Bowling.

IT IS SO STIPULATED.

Dated: July 8, 2014

Respectfully submitted,

ROPERS, MAJESKI, KOHN & BENTLEY

By: /s/John G. Dooling

JOHN G. DOOLING

CHRISTOPHER R. MEZZETTI

Attorneys for Defendant

AMBROSIA BAKERY, INC., a California
Corporation dba AMBROSIA BAKERY

Dated: July 8, 2014

Respectfully submitted,

THOMAS E. FRANKOVICH, APLC

By: /s/Thomas E. Frankovich

THOMAS E. FRANKOVICH

Attorney for Plaintiffs

DAREN HEATHERLY and IRMA RAMIREZ

1 Dated: July 8, 2014

Respectfully submitted,

2 LAW OFFICE OF JASON G. GONG

3
4 By: /s/Jason G. Gong

JASON G. GONG

5 Attorney for Defendants

6 JEANNETTE U. BERNHARD, JEANNETTE U.


BERNHARD, Trustee of JEANNETTE U.

7 BERNHARD TRUST Dated February 29, 1996

8 **ORDER**

9 Good cause having been shown, this Court orders the case back to mediation before the
10 Court appointed mediator, G. Daniel Bowling. The mediation is to be completed by no later than
11 October 15, 2014.

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14 Dated: July 10, 2014


15 Honorable Vince Chhabria
16 United States District Judge of California
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